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1922
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Engineering

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OFFICIAL PROCEEDINGS

Meeting of April 1922.

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1913

Canadian Railway Club

MONTREAL

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CONTENTS

Report of April Meeting and paper on "The Railway Commission and Nature of its work"

AUG 19

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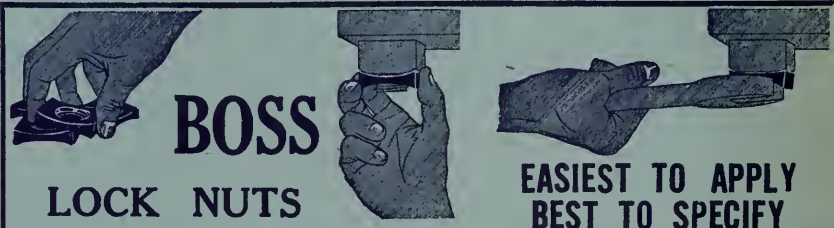

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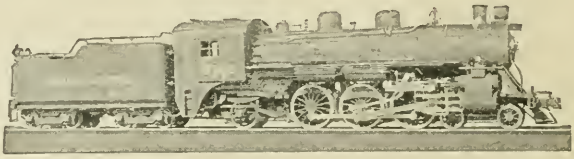

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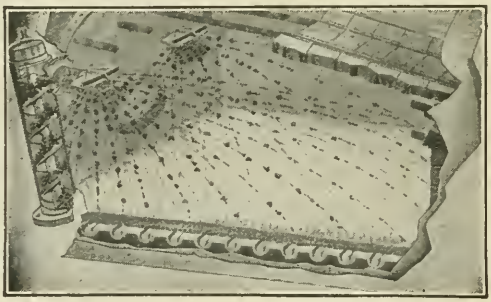

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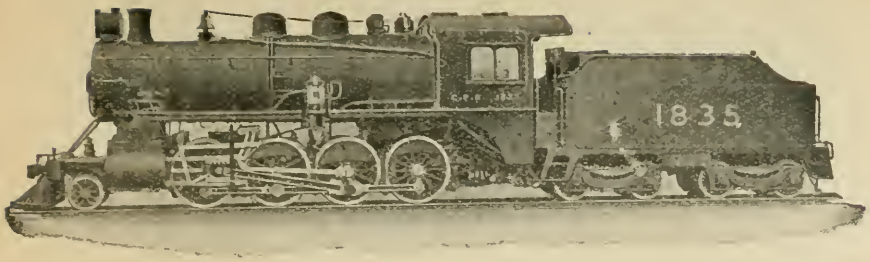

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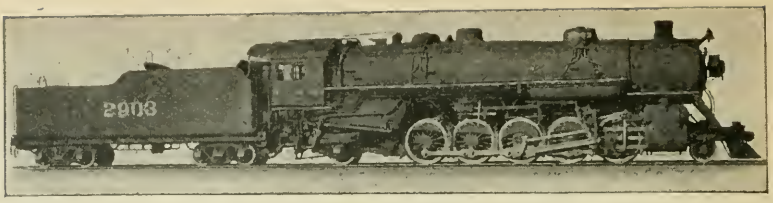

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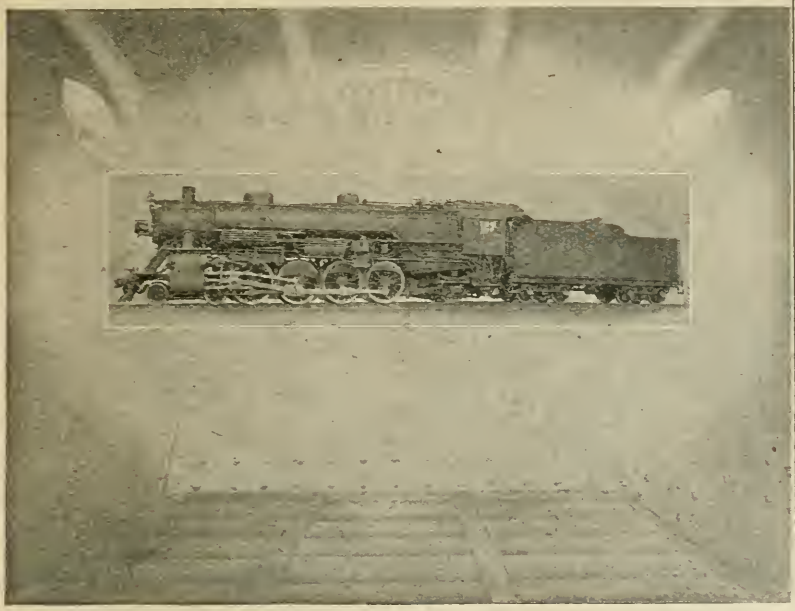

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Vol. XXI. No. 4 **Montreal, Can., April 11th 1922** 25c. per copy

PROCEEDINGS OF THE CANADIAN RAILWAY CLUB

Windsor Hotel, Montreal,

April 11th, 1922.

Chairman (Mr. A. Crumpton).

Gentlemen, we will begin our meeting. We are not running quite on time tonight on account of the inclement weather. Will you kindly sign the attendance cards which you will find on the chairs so that the Secretary will have a correct record.

We will dispense with the reading of the minutes of our March meeting as they have been printed and are already in the mail.

MEMBERS PRESENT.

Crumpton, A.
Allan, T. A.
Battley, E R.
Benger, F.
Bryson, Wm.
Buckland, A. W.
Burns, E. W.
Butler, A. J.
Castleman, W.
Chian, E. T. Y.
Cooper, E. S
David, C. H.
Ewan, R. G.
Ferguson, F.
Fielding, W. G.
Gardner, K. G.
Gigg, T.
Gillmor, W. D.
Gorman, C. B.
Graves, Wm. M.
Hamm, W. C.
Harrison, W.
Henricks, H. H.
Hillman, D.
Holland, F. E.
Honson, L. J.
Inns, G. A.
Jackson, Jno. R.
Jefferies, Geo.
Kwan, Y. L.
Matheson, A. G.
Misson, R. C.
Munro, K. E.
Mackie, R. L. D.
McAllister, W. J.
McEwan, W. H.
McGrail, J.
McNab, Wm.
Naylor, H. R.
Needham, C. F.
Palmer, E. B.
Phillips, F.
Prevost, L. E.
Reeve, J. B.
Royer, C.
Robinson, E. A.
Ross, J. D.
Sharpe, H. W.
Simpson, J. A.
Simpson, J. A., Jr.
Smeaton, J. N.
Spence, W. A.
Thorburn, C. D.
Vincent, P. S.
Wang, H. W.
Ward, G. M. T.
Wilson, G. M.
Wood, R. J. H.
Booth, W. A.
AND OTHERS.

The Secretary will now announce the list of applications for membership which have already been passed upon by your Executive Committee.

NEW MEMBERS.

Chian, E. P. Y. Asst. Sec., to the Engineer-in-Chief, Peking-Mukden Rly., Central Y. M. C. A., Montreal.

Cooper, E. S., Trainmaster, G. T. R., Montreal.

Henricks, H. H., Salesman, Camel Company, Chicago, Illinois.

Higgins, G. C., Clerk, Gen. Supt. M. P. & Car Dept. Office, G. T. R., Montreal.

Kefung, Translator, Gen. Dept., Peking-Mukden Rly., 144 Mansfield Street, Montreal.

Kwo, C. H, Asst. Traffic Inspector, Peking-Mukden Rly., Central Y. M. C. A., Montreal.

Reeve, J. B., Night Chief Dispatcher, G. T. R., Montreal.

Tong, J. H., Asst to Stores Supt., Peking-Mukden Rly., Central Y.-M C. A., Montreal.

Vincent, P. S., Chief Clerk to Supt. Montreal Division, G. T. R., Montreal.

Wood, R. J. H., Train Dispatcher, G. T R., Montreal.

Woodward, P. C., Canadian Railroader Ltd., Montreal.

Chairman:

This evening, we are to listen to an address by Mr. S. J. McLean, Assistant Chief Commissioner, Board of Railway Commissioners for Canada, on the regulation of Railroads, who will tell us something about the inside working of the Railway Commission. I take pleasure in introducing Mr. McLean.

S. J. McLean.

What I have to say in the present paper is concerned with the work and practice of railway regulation in Canada. I am designedly abstaining from expressing any qualitative opinion on the merits of the Board's work; not because I am without opinions on the subject, but because such expression of opinion does not fall within the scope of the paper. I am also taking for granted that you have a general knowledge of the body of law under which the Canadian Railway Commission operates.

Decisions of Courts which are now accepted as a commonplace establish that railway activity is concerned with private property affected by public use, and, therefore, the public phase having been recognized the propriety of regulation is now beyond peradventure.

The question of regulation of railways began to attract attention in Canada in the early seventies. In 1873, a Bill was introduced into Parliament to provide "for the better regulation of the traffic on railways." This Bill provided for equal mileage rates. No machinery for a regulative commission was provided under this Act. The matter of an improved method of regulation was referred in 1875 to the Committee on Railways, Telegraphs and Canals; but nothing was done.

The question of railway regulation was taken up very actively by the late Hon. D'Alton McCarthy in the period from 1880 to about 1885, and he argued very strongly for the organization of a Railway Commission such as had been organized in England under the Legislation of 1873. As an outcome of that activity of his there was appointed in 1886 a Royal Commission on Railways which investigated the situation and which reported that some of the conditions existing in England were of such a nature that legislation which was applicable there would probably not work out well in Canada. It also stated that the experiment of the United States in organizing the Interstate Commerce Commission was so recent that Canada could hardly predicate a policy on a basis of the policy so recently adopted there. And so it was suggested and there was embodied in the Act of 1888 the idea that the existing Railway Committee of the Privy Council should be given additional functions, in regard especially to the regulation of rates.

It was recognized in that report that one defect in the organization of the Railway Committee, as it had existed, was its lack of a migratory character. That is to say, any person who had any matter coming within the jurisdiction of that Committee had to have it heard in Ottawa, and it was suggested by the Royal Commission that officials should be appointed who would go out and take evidence and report to the Committee, and the Committee would take action upon the report, thereby lessening the expense of the parties applicant.

The situation worked along in that way and about 1898 the matter of a further development of the policy of

Railway Regulation was taken up. An important factor in the development of the movement for a Railway Commission was its active advocacy in Parliament by Dr. Rutherford, then a member of Parliament for a Manitoba constituency, and now a colleague of mine on the Railway Commission. Various investigations were conducted and the result was that in 1903 the Railway Act was amended, and provision was made for the organization of a Railway Commission which is more technically described under the Act as: "The Board of Railway Commissioners for Canada."

The Commission was organized in 1904 and very wide powers were given to it.

As the Commission was organized in the first instance provision was made for three Commissioners. Subsequently, in 1908, provision was made for six, and an arrangement was made whereby the Commission could be divided into sections. That is to say, one section could be taking evidence—hearing cases—in one province, and another section in another; or, as has happened, both sections have sat in Ottawa on the same day hearing different cases. The decision of the section is, under the Act, the decision of the Board.

The Commission, coming after the Railway Committee of the Privy Council, had its functions in some ways conditioned by those of the Railway Committee. The functions formerly possessed by the Railway Committee were transferred to the Board and various functions were added thereto; and the question at once arose as to the relation of the new Board of Railway Commissioners to the Cabinet and to the Courts. Formerly, the matter of regulation of rates, for example, had been in the hands of Parliament. You will find in some of the older legislation the provision that Parliament might regulate rates, but not so as to produce less than a fifteen per cent return. And evidence of that having existed comes up, in connection with the provision as to the ten per cent clause in the charter of the Canadian Pacific Railway.

Parliament saw fit to transfer the control of rates and various other functions to the Railway Committee of the Privy Council. That is to say, to a Committee of the Cabinet. And there was a political responsibility of the Cabinet to Parliament. When Parliament transferred from the Railway Committee to the Board the functions the Railway Committee had formerly possessed, it was considered

that the principle of responsibility should still be retained, and so provision was made for an appeal from a decision of the Board to the Governor-in-Council; and the Governor-in-Council, of his own motion, has also power to review or rescind, change, alter or vary the action of the Board.

The Railway Commission has now been in existence some 18 years. I am purposely limiting myself to setting out in this paper the phases of the Commission's activities which can be statistically measured; that is to say, I am simply concerning myself with the quantitative measure of the Board's work. The qualitative measure of the Board's work is, of course, of importance. It is open to all to form an opinion on this; and all that I can ask as a member of the Board is that the citizens of Canada in arriving at a qualitative opinion should first acquaint themselves with the nature and results of the Board's work. The records are available in the Board's Annual Reports.

Some information in regard to the number and nature of the applications that come before the Board, the matters involved, and the way in which they are dealt with, whether formal or informal, should be not only of interest but also of some service in arriving at an opinion on the Board's work and the place it occupies in connection with regulation.

The Committee whose Report led up to the Act of 1888 recognized that one defect in the existing procedure was the lack of migratory organization. In sum, it was necessary to bring the organization closer to the people.

Striking a personal note, I may say that in the 13 odd years which have elapsed since I was appointed a member of the Board of Railway Commissioners for Canada I have travelled some 169,000 miles. During the year ending December, 1921, the mileage covered by the Board and its offiers amounts, in round numbers, to 453,000. Further, the time taken up in formal hearings and the necessary travelling in connection therewith during the past year equalled 50 out of every 100 working days.

Simply as a matter of statistical note, it may be mentioned that the Board had 27,534 out-going letters during 1921.

During the year, 1,484 Orders were issued. Some 26 General Orders applicable to all companies subject to the Board's jurisdiction issued on such topics as sleeping and parlor car fares, exchange surcharge—freight and passen-

ger, coal supply, packing and frogs, inspection of steam boilers, valuation of live stock shipped with settlers' effects, telephone tariffs and rates, maintenance of way rules, brake tests, demurrage, track centres, switching rates, operating rules, explosives regulations, summer rates on coal.

The applications made to the Board in the same year amount to 3,454. Down to the end of 1915, the Board had received some 47,000 applications. Since that date, some 20,000 have been received, making a total of about 67,000 all told.

Of the 67,000 applications the Board has had before it, not more than from 15 to 20 per cent have come to a formal hearing. During 1921, 88 per cent of the applications were dealt with informally.

Referring to the general business of the Board, it may be noted that some 7,800 cases have been set down for formal hearings since the inception of the Board's work down to the end of January, 1922.

As already pointed out, provisions are made for appeals to the Supreme Court and to the Governor-in-Council. Up to date, the totals in this respect are as follows:

Appeals to the Supreme Court:

Dismissed	28
Allowed	9
Abandoned	5
Withdrawn	3
	45

Appeals to the Governor-in-Council:

Dismissed	17
Referred back	5
Abandoned	5
Withdrawn	1
Allowed	1
Pending	1
	30

The total number of appeals in which the Board has been reversed, amounts to much less than 1 per cent. of the total cases heard.

The informal work, that is to say, work not of necessity involving hearings, begins soon after the railway obtains its charter. A charter has to be obtained from Parliament. There has been discussion from time to time as

to the propriety of having a general Railway Act laying down the general conditions, much the same as is provided for in the Companies Act, with the further provision that on a given body of men satisfying a regulative tribunal that they have complied with the provisions of the statute a charter might be issued. This method of incorporation exists to a considerable degree in the United States. So far as Canadian discussion is concerned, it may be mentioned that the late Sir William Van Horne expressed his favor for it.

After the charter comes a route map approving the general location. Since 1919, this falls within the scope of the Board's work. Next is the location plan, which is a detailed route map. This has to be approved by the Board.

A plan has to be filed showing what is proposed to be done in connection with the highway crossings. A copy of this has to be served upon the municipality concerned, giving it time to file its objections, if any, to the crossings. The crossings have to be built to specified standards.

A plan showing where it is proposed to locate its stations has to be filed by the railway. It files with the Board standards showing types of stations showing exactly what accommodation is to be given. A plan is served upon the municipality concerned and it is given an opportunity, in the time limited, to forward its objections, if any, to the location of the station.

Bridges over 18 feet in length must have formal approval. When the road is constructed, the railway makes application to open for traffic, and an inspection is made to see whether the road is reasonably safe for travel.

The question of public safety arises as soon as the railway is in shape for operation. This arises in connection with train travel, accidents at crossings and accidents from trespassing.

All railways subject to the Board's jurisdiction are required to report the accidents occurring on their lines. The function of the Board is not to ascertain the facts with a view to assessing damages, as would be the case in a court of action, but with a view to preventing as far as possible a recurrence of accidents.

During the year 1921, there were 4 passengers killed and 240 injured. This is a decrease of 13 and 139 respectively as compared with the figures for 1920. Travel on railways, serious as an accident may be and important as

it is to eliminate the possibility of accidents, is relatively safe. In 1921, there were over 51,000,000 people carried on the railways of Canada, which is equivalent to a little less than 7 railway trips per capita; at the same time, there were 4 passengers killed and 240 injured.

During the year there were some 91 employees killed and 1,344 injured. The figures given may be compared with the total of 185,000 employees on the railways.

Another phase of the matter is concerned with accidents at crossings. The total number of accidents reported during the year show 243 persons killed and 1,928 injured, which is an improvement over 1920 when the figures were 254 and 2,330 respectively. Further analyzing these figures, it will be found that 189 accidents took place at highway crossings covering 70 persons killed and 214 persons injured. This compares with the figures of 68 and 215 for 1920.

Of these accidents, 45 occurred at crossings protected by gates, bells, watchmen, etc., and covered 20 persons killed and 48 injured.

One significant factor is the large number of motor accidents. Out of 189 highway crossing accidents in 1921, 114 were motor accidents. From April to October, 1921, 50 per cent of the highway crossing accidents were motor accidents, while four-fifths of those killed and two-thirds of those injured were to be found in the column of motor accidents.

The improvement of highways and the greater speed possible thereby for motor travel is a very great contributing factor to motor accidents. It cannot be too much emphasized that the only absolute protection against railway danger is to be obtained from the construction of subways or the installation of overhead crossings. In a great many cases, this type of protection is impossible to put in; and so, with other forms of protection, the burden must of necessity be on the driver of the motor car to use reasonable precautions. This applies to any crossings, whether protected or otherwise.

Without arguing from the extreme case and without alleging that all drivers of motor cars are similarly negligent, I may say that within the past year we have had 4 cases where men driving motors ran into trains. For example, at a western point, a motor ran into a train standing at the water-tank, the caboose and some three cars be-

ing over the crossing. At a point in Ontario, where a train was standing on the crossing, a motor ran into the ninth car from the caboose. The crossing was protected by a bell which was in good order. In another case in the West, a motor driver ran into a train standing on the crossing; and in a case in the East a man ran into a moving train, part of which had passed the crossing.

While the motor traffic is concerned with the legitimate use of the highway, at the same time, on account of the high speeds that are available in this type of traffic, there is much greater chance of danger than with ordinary highway traffic; and no matter what can be done in connection with protection, there is an especial burden of care on the part of motor drivers.

During 1921, 64 of those killed on the railways were trespassers while 91 were injured. The figures show a decline in recent years, which is very fortunate. Some years ago, the railways did not receive the co-operation they should have from the municipalities in connection with the prosecution of those trespassing on the railway. It is obvious that such prosecutions were really in the interest of the trespassers, with a view to keeping them out of the dangerous situations. Part of the improvement in the situation is due to the loyal co-operation of the different Provinces, through their emphasizing upon the local magistrates the importance of preventing, in the interests of the individual, trespassing on the railways. The Board has circularized the Attorneys General of the different Provinces from time to time and there has been a decided improvement.

The most extreme case of trespassing is one which took place in eastern Canada last December where a man had driven on to the railway track, apparently asleep, and was killed. Another accident occured in a case where the distance between the two crossings was shorter on the railway than on the highway, and two unfortunate trespassers took a chance by driving down the track during the winter season and were killed.

Under the legislation of 1909, railways constructed subquent to April 1st of that year had to stand the full cost of any protection ordered. In the same year, a Grade Crossing Fund of 200,000 a year, for a period of years, was provided for. Out of this, the Board may make a contribution of 25 per cent of the cost of installation of the protective device and not exceeding $15,000. The expenditures

on protection since this legislation was enacted have been as follows:

By the railways	$2,382,814.75
By the municipalities	1,783,983.41
Out of the Grade Crossing Fund	338,528.62
Total	$4,505,326.78

The contribution as it was prior to 1919 was 20 per cent and not exceeding $5,000. It is readily apparent that the limitation placed prevented any considerable aid to a large protective work. The amended percentage referred to has improved the situation.

In dealing with crossing protection between April, 1909, and December, 1921, the following is the record of protective works and devices, in so far as aid has been given out of the Fund:

By electric bells	262
" gates	115
" subways	64
" overhead bridges	25
" diversion of highways	35
" closing of streets	10
" removal of view obstruction	28
" shelter	1
" towers	3
" wigwags	8
" bell and wigwags	26
" diversion of highway and subway	1
" diversion of highway and removal of view obstruction	1
" bell and removal view obstruction	1

Inspections are made by the Board's Operating and Engineering Departments. Where an accident takes place, there is, pending investigation, a speed limitation of ten miles per hour. If the Board is satisfied, after investigation, that the crossing is reasonably safe, the speed limit may be raised. If it is not satisfied, protection may be provided by subways, separation of grades, installation of gates, bells, bells and wigwags, watchmen, improved view by the cutting down of banks or the clearing out of brush. Recently, in connection with a couple of highway crossings near Ottawa, which were part of the Civic Improvement Commission highway, protective islands have been installed as an

additional protective device. Usually where subways are concerned, the matter necessitates a hearing. In other cases, such as have been enumerated, very often the procedure is for a copy of the report of the Inspecting official to go to the parties asking them to show cause, in writing, why protection should not be installed as recommended.

Informal procedure has been developed to a very considerable extent in connection with the matter of protection. Whereas in the State of Wisconsin the practice is, in connection with the installation of a bell or a bell and wigwag, to have a formal hearing, here in Canada the expedited process afforded by informal action has been taken.

I have gone to some length in the question of accidents, but do not feel that any apology is necessary because I am sure that every one is agreed that the elimination of accidents is greatly to be desired. I have not exhausted the subject, but I wished to say something which would emphasize what is being done, and also to emphasize the necessity of people exercising due care in connection with the approach to crossings.

The service and convenience to the public is very important. As bearing on the nature of the work done in addition to what has already been mentioned, some of the lines of investigation of the Board's Engineering and Operating Departments may be mentioned, viz.: inspection of spur tracks, condition of road-bed, switches and frog packing, grade revision, inspection of track in connection with slides, culverts, drainage, interlocking plants, safety appliances, inspection of motor power, passenger equipment, station buildings and premises, station locations, train service, and car supply. For example, in connection with the inspection of cars and engines in the month of January, 1922, alone, there were some 7,201 cars inspected from the standpoint of safety appliances and some 799 engines inspected. During 1921, 73 applications in western Canada dealing with station facilities and train service were gone into.

The prevention of fire loss is another phase of the work where through co-operation of the railways and the Board's Fire Inspection Department a great improvement has been made. During 1921, some 10,270 miles of fireguards have been ploughed or maintained by railways in the Prairie Provinces, in accordance with the requirements issued by the Chief Fire Inspector. A total of some 1500 fires were reported as originating within 300 feet of the

railway lines. The total damage done by the fires was estimated to be $162,000. In this connection, fire appliances on some 2,900 locomotives were inspected.

Under the Railway Act, provision is made for fire-guarding in the West, the Board having powers in regard to exempting where there is a case made out, from the necessity of building fire-guards. Any one who has travelled in the grain country will know how quickly, at certain seasons, a fire may start and do great damage; and it was obvious, in the general interest, that such source of danger should be minimized in every way possible.

The matters involved in connection with the question of fire-guards very seldom come to a public hearing. There has been a very cordial co-operation between the Railways and the Board's officials enabling the informal procedure as distinct from that of the formal hearing, to be used to a very great extent here.

While, from what has been said, it will be seen that there is a wide scope of work as distinct from the rate jurisdiction of the Board, the importance of the rate side is not to be minimized. The rate cases involve very often a wide sweep of facts. Within the last couple of weeks, argument has been terminated on a rate case involving matters affecting rate structures from Sydney, Vancouver Island, to Sydney, Cape Breton; but while many rate matters must, of necessity, come to a formal hearing, it must also be recognized that the informal procedure is of importance here as well.

During the year 1921, some 93,000 tariffs were filed with the Board of Railway Commissioners. These cover tariffs of from one sheet up to the size of a modest book. All standard tariffs have to be approved by the Board and thereafter published in the Canada Gazette. The standard fixes the maximum within which the railway may operate. Special tariffs thereafter filed come into operation on notice, without the formal approval of the Board. Under the Railway Act, an application may be made for suspension of a new tariff; thereafter the Board, if satisfied that a prima facie case for suspension has been made out, may suspend pending hearing.

The Board requires the railways to file statements of the reasons for changes in tariffs. An analysis of the reasons filed would in itself afford grounds for a rather instructive paper. I have been struck in looking over these

notices recently with the number of voluntary reductions. In a batch of some 50 odd tariff notices which I looked over a few weeks ago, over 50 per cent of these notices was concerned with reductions; that is not to say that all the others were increases, because in many cases there were new rates on account of the extension of territory hitherto not covered except under the standard tariffs. The reasons given are interesting and some may be mentioned in passing. On the Dominion Atlantic, a quite common reason given is to meet water competition. In western Ontario, various reduced coal rates were put in because the coal would not move on the standard mileage rates. In other sections, it will be found that reductions are made to put various shipping points more on a parity. Matters of short line mileage enter in. These rate notices show a much more fluid condition in regard to rate adjustment than is ordinarily taken for granted.

Fundamental to the movement of commodities is the question of Classification. The process in connection with the formulating and amending of Classification is to use the informal procedure as much as possible. Where a new Classification is being worked out, as at present, the process is to have the matter discussed by a representative committee of the shippers and railways, the idea being that only the irreducible minimum of difference shall be brought to the Board for its consideration. In the same way, in connection with an amendment of the Classification by supplement, the changes proposed by the railways are sent out to an extensive list of trade bodies; these are considered by these trade bodies; their objections or exceptions are sent in; then a meeting is arranged between a representative of the Board and the representatives of the shippers and railways; and, thereafter, if there are any points of difference that cannot be agreed upon, the matter comes before the Board for hearing, if necessary.

I may remark in passing that the recent Classification supplement was finally ironed out without the necessity of any formal hearing.

I lay stress and feel justified in laying some stress on this phase of the matter, because there is no adequate appreciation outside of the limited classes of shippers and railway traffic men of the amount of informal work which is done in connection with working out the fundamental matter of classification. I may say, further, that I am

of opinion that it is much more important work in this connection than formal hearings because where the items of a general Classification come to a general hearing, each side feels itself in the position of an advocate, and, therefore, the matter is not looked at from the standpoint of reasonable give and take which is available in a round-table conference.

Many applications in regard to rates come in and are dealt with informally. The Board has no jurisdiction in regard to loss and damage and refund claims. At the same time, if it appears that any question is raised as to the propriety of the rate charged, the matter is brought to the attention of the railways. As to overcharges, I have had on my desk within the last few weeks a matter involving an overcharge of 20 cents on a passenger journey, and on taking it up with the railway the matter was adjusted. A number of years ago, a man complained of an alleged overcharge on a jug of mineral water. This was investigated and it was found there was an overcharge of 15 cents; and the matter was adjusted. Matters are constantly coming in as to provisions under the Bill of Lading, the rate charged to the provisions of the classification, etc., etc., and a large amount of time is spent on matters of this kind which while individually small are important in their total sum to a very considerable number of residents of Canada.

As indicated, I have attempted only to deal with this matter from a quantitative standpoint—perhaps it might be called a Study in the Anatomy of Regulation.

I have already referred to the number of complaints filed during 1921. In various cases, these complaints include 3 or 4 under one heading. A special check shows that some 4,500 individual complaints were received. Of these, some 2,800 fell under the heading of Engineering and Operating, and show some 64 sub-heads; 900 under Rates and Traffic, which show some 58 sub-heads; while there are some 564 applications under the heading of Miscellaneous.

In various cases, the Board is asked to deal with matters over which it has no jurisdiction. The obvious answer from the standpoint of principle in such cases is simply to explain the lack of jurisdiction; at the same time, I think this may be said for the Board that it is not a mechanical organization—that it may claim some of the attributes of the heart, and that where on the special conditions as dis-

closed, notwithstanding the lack of jurisdiction, special features of hardship appear, the Board is not unwilling to advise the applicant that while it has no jurisdiction in the matter it is agreeable to bringing the matter to the attention of the railway in the hope that through the exercise of its good offices an adjustment can be effected, and to act accordingly.

It has been my fortune to be connected with the matter of regulation in Canada for a good many years, and it is a matter of interest to me, entirely aside from my official connection with the work of regulation, to watch the expansion of the jurisdiction of the Railway Act. The tendency has been gradually to increase the jurisdiction.

The first connection I had in an official capacity with the work of regulation in Canada goes back to December, 1898, when in an interview with the late Hon. A. G. Blair, then Minister of Railways and Canals, we talked over the question of railway legislation and the regulative portions of it. At that time, basing my opinion on studies I had made on conditions in the United States and England, I expressed the opinion that the preventive work would be even more important than the corrective work. Quite a number of years have elapsed since then and a good deal has happened, but I am still more convinced that to endeavour to deal with complaints and grievances in their inception stage rather than when they come to a head is perhaps the most valuable portion of the Board's work.

Under the Railway Act of 1888, provision was made for the exercise of regulative functions by the Railway Committee of the Privy Council. It was recognized by the Royal Commission, which reported in favor of the amended legislation of 1888, that a non-migratory organization might put obstacles in the way of dealing with grievances. This criticism in anticipation was justified by the subsequent facts. The condition was that if a man could not afford either to attend the sittings of the Railway Committee in Ottawa in person or engage Counsel, he had to let the matter go unexamined and unredressed.

In the applications before the Board during last year, 80 were concerned with farm crossings, fencing and drainage. In the old days, under the Act of 1888, the section foreman appeared to be the highest type of authority before the eyes of the applicant. If he had any question in regard to fencing, cattle-guards or farm crossings, he apparently appealed to the section foreman, and without dis-

paragement of the worth of the section foreman it is evident that in many cases he did not handle the situation very tactfully, and the grievance had an opportunity to develop. After a man has written in a few letters on a grievance it becomes a principle.

As pointed out, the Board of Railway Commissioners for Canada is a migratory organization. It has an Inspecting organization travelling from place to place. It has sub-offices at Toronto, Winnipeg and Calgary. It does not take even a 2-cent stamp to start an application, as letters come into the offices of the Railway Commission free.

Complaints in regard to farm crossings, cattle-guards and other matters do not now stop with the subordinate officials, but, if necessary, are taken to the highest executive. Matters which in themselves may seem small and of minor importance can, under the procedure existing, be taken before the highest official of the railway by way of dealing with matters of necessary redress.

The Board's organization is migratory not only as to hearings but also as to investigations. I have mentioned in an earlier connection the mileage I have travelled during the last 13 years. This is not of importance in itself but as indicating that the hearings which it is my lot to take part in have extended from White Horse, in the Yukon, to Mulgrave, N.S.

Whenever necessary, investigations are made on the ground, and throughout it has been recognized that while a hearing may be a matter of last resort an adjustment informally, without hearing, in an expeditious and economical method, is also in the interests of the general public.

Mr. William McNab:—

I am sure that the opinion of the members of this Club is voiced when it is said by me, that in Mr. McLean's address we have listened to a very concise exposition of the duties and activities of that most important, useful and practical body, the Railway Commission of Canada.

It certainly is a cimpliment to our Club that the Assistant Chief Commissioner, Mr. McLean, should have prepared this address specially for the Club, and that he should have come from Ottawa specially to deliver it. It would be well if the material contained in his paper, could have general circulation throughout the length and breadth of the land, because it would give the general public a clearer insight into the duties of a body, which does so much to promote just rela-

tions between the carriers and the public.

It would also let the public know more of how much this Commission insists on the provision of means looking to absolute safety in travel, and how its authority is brought into use in innumerable other matters relating to improvements in transportation.

In dealing with such matters, the members of the Commission have got to exercise all the powers of analysis that are inherent in an able lawyer and afterwards of a great judge. Much of the evidence that comes before that body to analyze and sift would rattle small minds, but the master minds of the personnel of the Commission have the happy faculty of evolving from the evidence presented, material that is to be of practical use in best serving the requirements of the country in general.

It is late in the evening and I question the wisdom of discussing at present the information that Mr. McLean has put before us. It seems to me, however, that the paper should go in our records as a text book on the work of the Commission.

I have much pleasure in moving a vote of thanks of this Club to Mr. McLean for his admirable address.

Mr. G. M. Wilson:—

I second that motion, Mr. Chairman.

Chairman:—

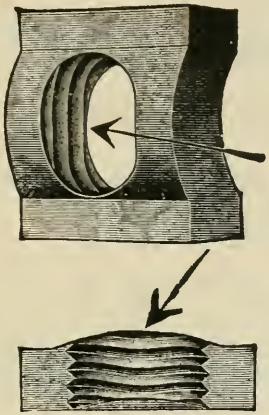
Mr. McLean, I think you will see that we have greatly appreciated your address.

Mr. S. J. McLean:—

I wish to express my heartfelt thanks for such kind words and would say that it has been a real pleasure to be at the meeting tonight.

Chairman:—

Our next meeting will be held on May 9th. It is the annual meeting, and in connection with it we shall have a smoking concert, so I hope we shall have better weather and consequently a better attendance. Refreshments will now be served in the Prince of Wales Salon.



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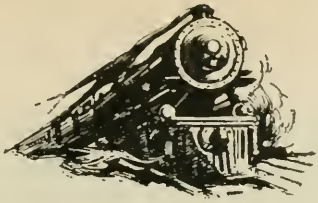

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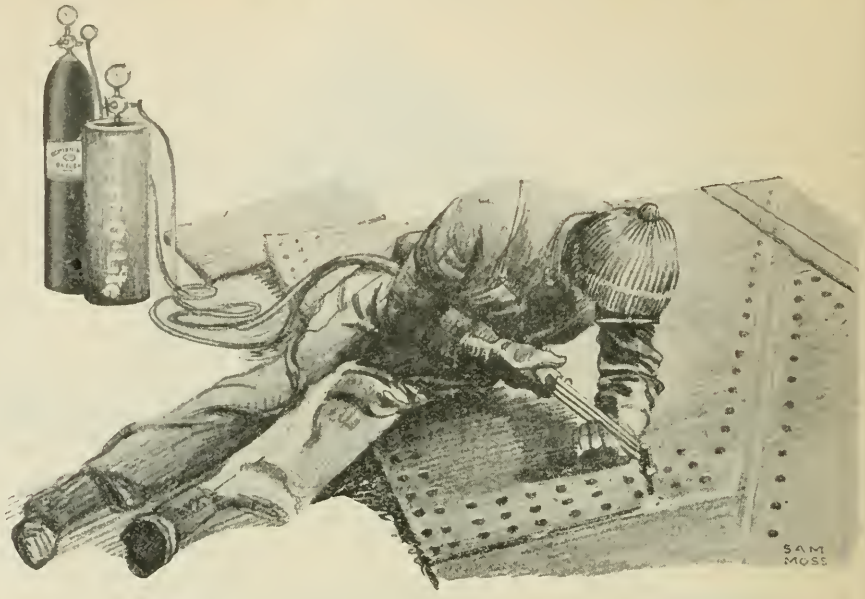

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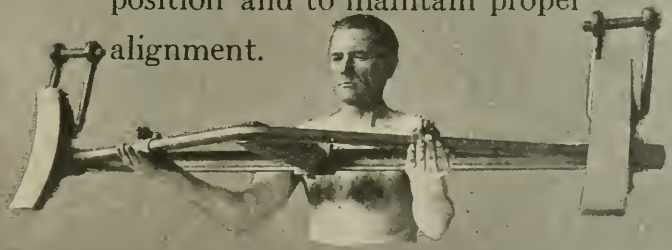

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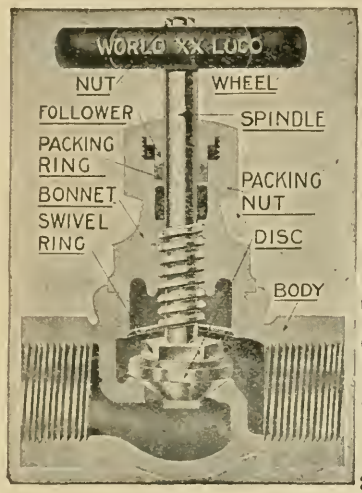

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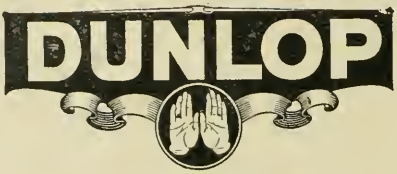

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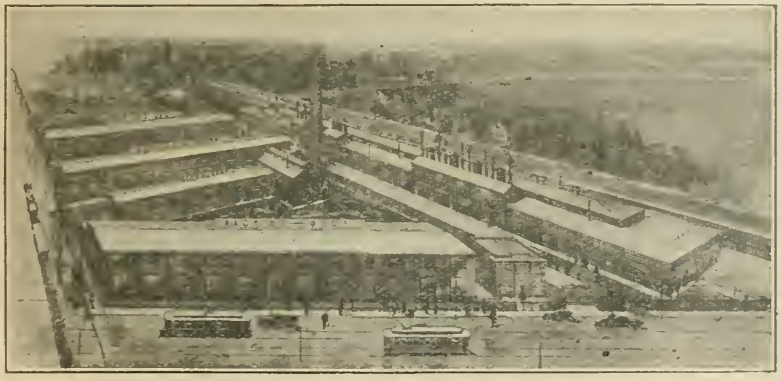

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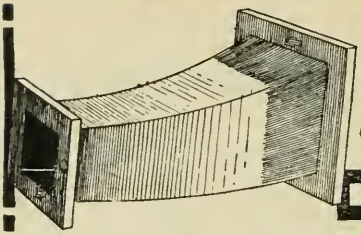

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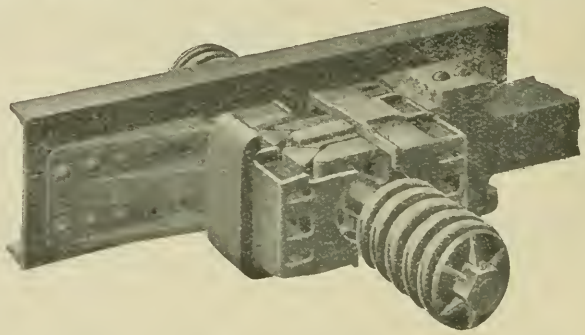

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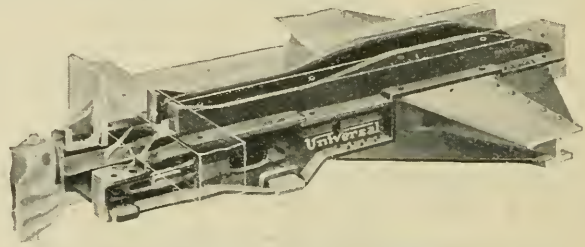

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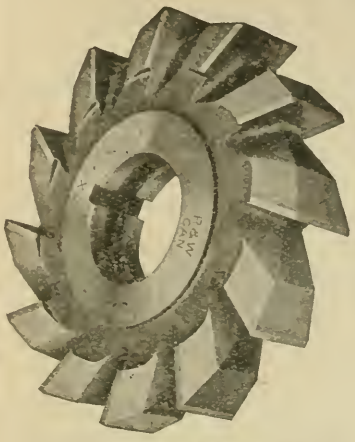

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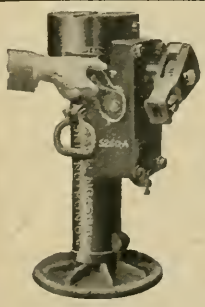

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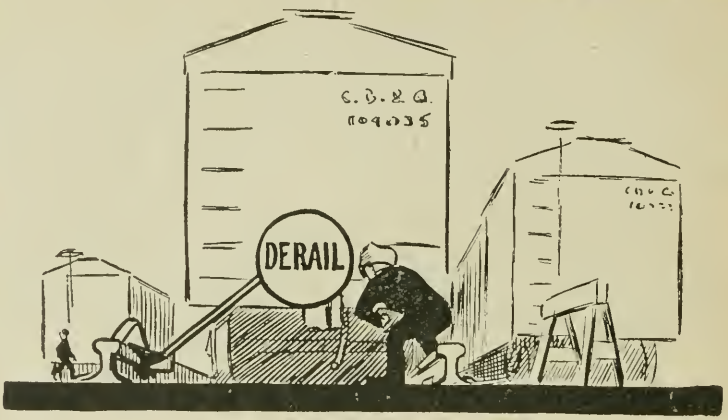

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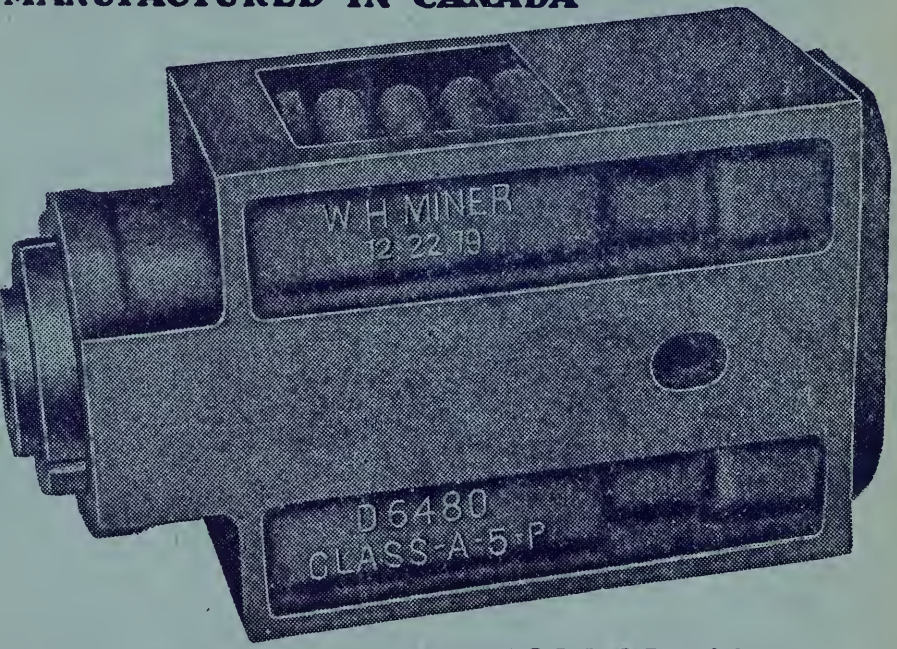

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